REMARKS

This Response is submitted in response to the Final Office Action mailed August 7, 2003, and in accordance with the telephone interview conducted on December 12, 2003. Claims 1 to 23, 25 to 27 and 29 to 37 were previously pending in this application. Claims 1 to 23, 25 to 27 and 29 to 34 were rejected. Claims 35 to 37 stand allowed. In this Response, Claims 1, 12, 15, 18 and 25 have been amended. No new matter has been added via any of the amendments.

A Supplemental Information Disclosure Statement ("IDS") and a three-month petition for extension of time to respond to the Office Action are submitted herewith. Checks in the amount of $180.00 and $950.00 are also submitted herewith to cover the cost of the Supplemental IDS and the three-month petition for extension of time. Please charge Deposit Account No. 02-1818 for any insufficiency of payment or to credit any overpayment.

In the Office Action, Claims 1 to 3, 6, 12 to 18, 21, 22 and 24 to 28 were rejected under 35 U.S.C. § 103(a) as being obvious in view of the Big Six slot machine of 1904 shown at page 88 of Fey, Slot Machines, Liberty Bell Books ("*Big Six*"). Claims 4, 5, 8, 9, 10, 11 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Big Six* and in further view of U.S. Pat. No. 5,380,007 to Travis et al. ("*Travis*"). Claims 7, 23, 25 to 27, 29 and 30 to 34 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Big Six* and in further view of U.S. Pat. No. 6,334,612 to Wurz et al. ("*Wurz*").

During the interview, Applicant respectfully requested that the finality of the Office Action be withdrawn. Applicant, in particular, noted that the amended independent claims in the previous response to the March 19, 2003, Office Action, were each drawn to a different invention than were the claims prior to amendment. The Examiner, in the telephone interview of December 12, 2003, agreed to remove the finality of the instant Office Action as confirmed in the Interview Summary.

Claim 1 has been clarified to reflect that the multiple wagerable components of the gaming device are each wagered on the same random generation. In the game of Claim 1, the player's chances of achieving a certain award change linearly when either one or both wager components is changed. The multiple wager components are each

wagered on the same random generation, e.g., the same spin of the reels. That is, both wager components are required to activate the same spin of the reels. *Big Six*, on the other hand, uses different and multiple independent random generations wherein the results are independent and not related. Moreover, the different wagers are each on different random generations. For example, the wheels of *Big Six* are said in the Office Action to be analogous to paylines of a slot machine. Taking that analogy as being true, then one payline (wheel) is associated with one random generation (wheel spin), while the other payline (other wheel) is associated with a second random generation (other wheel spin).

The paylines of *Big Six* are associated with different independent random generations, and the outcome for each wager component does not depend on both random generations. The paylines of *Big Six* are not both wagered on the same random generation. *Big Six* thus does not meet the present Claim 1.

Claim 1 calls for each second wager component to be on the same random generation. The second component for the *Big Six* game was likened in the Office Action to the number of colors wagered per wheel. Taking that analogy as true, because the colors are wagered on two separately spinning wheels, they are not in total wagered on nor used by the same random generation because a payout can be provided for one but not the other. Accordingly, Claim 1 and Claims 2 to 11 that depend from Claim 1 are patentably distinct over *Big Six*.

Each of the games cited in the Office Action teaches away from the claims as amended. As recognized in the Office Action, the *Big Six* slot machine of 1904 does not evenly distribute the colors. The *Mills* 1899 game shows what appears to be a machine capable of handling one or two coins on each of a five-way slot, yielding a total bet of ten coins with each handle pull. The players could bet one or two coins on each of the five colors. That game therefore simply replicates the common day slot machine that enables the player to bet more than one coin on one or more paylines. The coin per line bet however does not change the odds of winning any particular award. Therefore the *Mills* 1899 game is insufficient to teach Claim 1.

The *Mills* 1906 game appears to show an ability bet one coin on any one or more of six different numbers. That game only has one wagerable component, namely, a

component which will be analogous to a payline. The number of paylines would increase the odds of winning in a *Mills* 1906 *Big Six* game. However, that game fails to show a second wagerable component upon which the odds also change.

Applicant also respectfully traverses the finding that it is simply inherent to structure odds a desired way. The Patent Office has reviewed art all the way prior to 1900 and has not found a single reference that shows two wagerable components that each effect the odds of winning a designated one of the awards linearly as the wager on those components changes. The element does not simply recite the structuring of odds to win a particular award. The element is a combination of a structuring of the odds and a structuring of the wagers. As explained in the specification, it is advantageous to do so because it allows a player playing a smallest possible amount to at least have a chance of winning a particular award, such as jackpot award. A player who wagers an intermediate amount, has an intermediate chance. A player that wagers the maximum possible wager is also benefited by the game of the present invention, which takes into account each of the max bet player's wagerable components in setting that player's odds.

Independent Claims 12 and 25 have been amended to include similar elements as used to clarify Claim 1. In Claim 12, the number of paylines wagered and the amount wagered per payline are each required to play a same random generation. In Claim 25, the components are each wagered on and required to play a same random generation. For at least the same reasons discussed above, independent Claims 12 and 25 and Claims 13, 14 and 26 to 34 that depend respectively from those claims are also in condition for allowance.

Claims 15 and 18 have each been amended to state that there are a plurality of paylines associated with the <u>same</u> reels. Notwithstanding the somewhat strained analogy of using wheels to teach paylines, it cannot be disputed that the *Big Six* machine does not show a plurality of paylines associated with the same wheels or reels. Indeed, the interpretation of the *Big Six* game mandates that the entire wheel constitute a payline. Therefore, there can only be a single payline per generation device, which teaches directly away from present Claims 15 and 18. Accordingly, Applicant respectfully submits that independent Claims 15 and 18 and Claims 16 and 17 and 19

to 23 that depend respectively from Claims 15 and 18 are patentably distinct over *Big Six*.

Applicant submits that the patentability of independent Claims 1, 12, 15, 18 and 25 renders moot the additional obviousness rejections of 4, 5, 8 to 11 and 19 and 7, 23, 25 to 27, 29 and 30 to 34 respectively in view of *Travis* and *Wurz*. It is also respectfully asserted that at least Claims 12, 13, 15 and 16 provide additional patentable features over those shown above. At page 4 of the Office Action, it is stated in connection with Claims 12, 13, 15 and 16, that the *Big Six* game teaches that "A player wagering the smallest machine allowable [sic] on one of the paylines has a chance to win the maximum payout or jackpot". Applicant fails to see where the *Big Six* reference discloses such an element. Indeed, the Office Action admits that the pay table for the *Big Six* is not shown. The above quoted finding does not appear therefore to be supported by the disclosure of *Big Six*. Claims 12, 13, 15 and 16 therefore provide additional patentable features over *Big Six*.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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